
Commerce & Labor Committee

SB 6731

Brief Description: Prohibiting sellers of travel from promoting travel for sex tourism.

Sponsors: Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette.

Brief Summary of Bill

- Makes it a crime to knowingly promote travel for prostitution.
- Forbids sellers of travel from promoting travel for prostitution.

Hearing Date: 2/22/06

Staff: Elisabeth Frost (786-5793) and Chris Cordes (786-7103).

Background:

Sex tourism

The New Oxford Dictionary defines "sex tourism" as "the organization of holidays with the purpose of taking advantage of the lack of restrictions imposed on sexual activity and prostitution in some foreign countries."

Since 1994 it has been a federal crime for a United States citizen or permanent resident to engage in sexual conduct in a foreign locale with a person under 18 years of age. A person guilty of such behavior is subject to not more than 30 years imprisonment, a fine, or both. Any person who facilitates the travel of a person knowing that they are traveling for the purpose of engaging in such conduct may also be subject to the same criminal penalties. In addition, it is a federal crime to travel in interstate commerce for the purpose of engaging in an illegal sexual act with a person under 18 years of age.

In 1996, Business Week reported that more than 25 companies based in this country were in the business of "sex tourism," offering travel packages that included prostitution services abroad.

Federal law does not specifically address travel for the purpose of engaging in prostitution with a person 18 years of age or older.

Prostitution under Washington law

The following activities related to prostitution are classified as misdemeanors in Washington, punishable by zero to 90 days in jail, or a \$1,000 fine, or both:

- A person is guilty of *prostitution* if he or she engages in or agrees or offers to engage in sexual conduct with another person in return for a fee.
- A person is guilty of *promoting prostitution* if he or she engages in any conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.
- A person is guilty of *patronizing a prostitute* if he or she pays or agrees to pay a fee to another person for the purpose of engaging in sexual conduct.

When a person knowingly profits from or advances prostitution, he or she commits *promoting prostitution in the second degree*, a level III class C felony. When a person knowingly advances prostitution with threat or force, or advances or profits from prostitution of a person less than 18 years old, he or she commits *promoting prostitution in the first degree*, a level VIII class B felony.

Under the Sentencing Reform Act, the presumptive sentence for a ranked felony varies depending on the "score" given an offender's criminal history. For example, a person who has no criminal history has an offender score of zero. If that person is then convicted of a level III class C felony, their presumptive sentence is one to three months. In contrast, if a person with a high offender score is convicted of the same crime, their presumptive sentence might be as long as 51 to 68 months.

State Regulation of Travel Services and Sellers of Travel

Washington law defines "travel services" as including transportation by air, sea, or ground, and hotel or any lodging accommodation, package tours, or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

The Department of Licensing (DOL) regulates the business of selling travel services. A "seller of travel" is a person, firm, or corporation who transacts business with Washington consumers and whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations. A "seller of travel" does not include transportation companies (including air, motor, and rail carriers) or hotels or other lodging accommodations.

The Director of the DOL may take disciplinary action against a seller of travel licensee or applicant, if the person has violated a provision of the sellers of licensing statute, or committed any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of their business, whether the act constitutes a crime or not.

Summary of Bill:

A new crime of "promoting travel for prostitution" is created. A person commits the offense of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. "Prostitution" means behavior that would be prostitution, if it occurred in this state. Violation of this provision is an unranked class C felony, carrying a presumptive sentence under the Sentencing Reform Act of zero to 12 months in jail, a fine of up to \$10,000, or both.

The sellers of travel licensing law is amended to add prohibitions related to sex tourism. Sellers of travel are forbidden from promoting travel for prostitution, or selling, advertising, or otherwise offering to sell travel services or facilitate travel:

- for the purposes of engaging in a commercial sex act;
- that offers sexual acts as enticement for tourism; or
- that provides, purports to provide access to, or facilitates the ability of sex escorts or sexual services.

A "sexual act" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party. A "commercial sexual act" means any sexual act for which anything of value is given to or received by any person.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.